

September 27, 2004
A-1331-ENV-04-001

Attn: Bill Moore
Industrial Stormwater General Permit
P.O. Box 47600
Olympia, WA 98504-7600

RE: Modified Industrial Stormwater General Permit

The Boeing Company submits the attached comments in response to the modification of the Industrial Stormwater General Permit. We appreciate the opportunity to comment on the proposed modifications.

Boeing manufactures commercial and military related components in the State of Washington. Boeing currently employs approximately 157,000 workers in 27 states. Of those, about 50,000 are in the State of Washington. The Boeing Company has seven major facilities in the Puget Sound area covered by NPDES permit fees.

Very truly yours,

Kirk J. Thomson
Director, Environmental Affairs
Phone: 425-930-6122

Attachment

The Boeing Company: Modified ISGP Comments

Special Conditions S4

Section A Sampling Requirements

① ... sampling of stormwater will be conducted in accordance with the following requirements. If one or more of the sample collection criteria below can not be met, the permittee must still collect and submit stormwater sampling result. A permittee is required to sample only once in a sample collection period and use its best efforts to achieve the storm event sample collection criteria. If a sample is taken and one or more of the sample collection criteria are not met, the permittee is not required to conduct additional sampling for that sample collection period.

We support this change. It has been difficult to meet all the sample collection criteria required by the existing permit (e.g. 24hr dry period prior to storm event, rainfall intensity of 0.1). This revision will allow the collection of data to assist: (1) in determining if contamination exists that exceeds benchmarks; (2) in identifying potential sources; and (3) in evaluating the efficacy of existing stormwater management practices.

Section B. 1. Exceptions to Sampling Requirements

② ... To be eligible for a monitoring waiver at inactive ~~and unstaffed~~ sites you must certify the site is ~~unstaffed and~~ inactive and that pollutant generating activities (e.g. vehicle maintenance) are not occurring at the site. The certification must be signed in accordance with signatory requirements of G17 and must include a projected start and end date during which the site is inactive ~~and unstaffed~~. The signed certification must be sent to Ecology prior to the beginning of the inactive period. A copy of the certification must also be kept with the Stormwater Pollution Prevention Plan....

We appreciate the Department's efforts with this change. However, we request that Ecology further clarify the requirement to allow minimally staffed sites to be eligible for a monitoring waiver. Some of our inactive facilities are currently covered under the permit even though no storm water pollutant generating activities occur. At these facilities only landscaping and Security staff are present, and thus these facilities should be eligible for the monitoring waiver. We suggest amending this provision by removing the word "unstaffed".

Section C. Response to Monitoring Results above Permit Benchmark Values Level One
Response

...5) include a brief summary of inspection results and remedial actions {insert}taken, if any,{end insert} with the quarterly discharge monitoring report for the quarter for which sample results were above benchmark values...

③ Add the words “taken, if any.” It is possible after a thorough investigation of the potential sources of a discharge above benchmark values that no source is found. For example, the discharge value may be an anomaly that is not attributable to any apparent cause. The anomaly may be caused by a one-time or infrequent occurrence. Hence, no remedial action may be appropriate. A report of the investigation would thoroughly describe inspection methods and outline the rationale for deciding not to take any remedial action.

Section C. Response to Monitoring Results above Permit Benchmark Values Action
Levels

... If two out of the four previous quarterly sampling results, {insert} when quarterly samples were collected, {end insert} are above the action levels identified below...

④ We support the concept of action levels that are higher than benchmarks because it accounts for sample variability and anomalous conditions that would be difficult to identify. However we believe clarification is required for the action level trigger. The trigger “two of the four previous quarterly sampling results” is open to interpretation if sampling events are missed. Does this mean two of the four previous quarterly sampling results when samples were collected? Clarification on this issue will help all permittees understand when action levels are triggered. We suggest changing the wording to include: “...if two out of the four previous quarterly sampling results, when quarterly samples were collected, are above the action levels identified below...”

Section C. Response to Monitoring Results above Permit Benchmark Values Level Two
Response

... Action: The Permittee shall:

- ⑤ 1) *promptly identify the {insert} potential {end insert} sources of stormwater contamination {insert}from industrial activities {end insert} that are causing or contributing to the presence of the benchmark parameter,...*

The addition of the word “potential” reflects the reality that a permittee may never be able to definitively determine the source for a benchmark parameter in a discharge. This word change does not affect the responsibility of the permittee to investigate, identify

source control mechanisms, or implement, if necessary, best management practices under this Level Two Response.

The addition of the words "...from industrial activities..." also reflect the reality of a permittee's inability to definitively determine a contaminant source. At many of our facilities, non-industrial off-site sources impact our stormwater discharge due to shared conveyance systems and incoming natural sheet flow. This includes several hundred acres with multiple private and public entities. If an investigation determined that a discharge above benchmarks occurred due to a neighboring entity, then we have a limited ability to influence the storm water quality of that other entity's discharge.

Section C. Response to Monitoring Results above Permit Benchmark Values Level Three Response

... 3) {insert} Initiate the implementation of {end insert} ~~implement~~ *additional source control, operational best management practices including stormwater treatment best management practices identified as part of this....*

6

Revise this wording to include "Initiate the implementation of." Remove the wording "implement." The revised wording clarifies the timeframe for corrective action. Implementation of some additional source control and operational best management practices may take long periods. The time frame for implementation includes planning, design, permitting, construction, and start-up. Implementation of all these steps may be difficult to complete within 12 months. This is particularly true if modifications to the stormwater system and to outdoor areas are limited to the dry season (typical construction time in the Northwest). Delays to implementation may also occur due to construction permitting slow-downs with some municipalities. The wording revision does not preclude the implementation of a Level Three Response; rather, it more appropriately reflects the reality of implementing a storm water treatment best management practice.

Section G. Monitoring Requirements for Facilities Discharging to 303(d) Listed Waters or Subject to TMDL Determination Except 303(d) Listings for Sediment and Tissue

7

... In addition to the requirements in S4.C. above, beginning January, 2005, all facilities that discharge to waters listed as impaired by the State under Section 303(d) of the Clean Water Act must conduct quarterly ~~monthly~~ monitoring of authorized discharges of stormwater to surface water....

Monthly monitoring should not be automatically required for listed parameters in discharges to CWA Section 303(d) listed waterbodies. Quarterly monitoring provides adequate and more reliable data in evaluating whether a discharge above a benchmark has the potential to impact the water quality in the listed waterbody. In many instances, a

monthly data point may be an anomaly and not an accurate representation of the water quality of the discharge entering the listed waterbody. The benefits of monthly monitoring are outweighed by the cost and administrative burden to the permittee of monthly, as opposed to quarterly, monitoring.

Section G. Monitoring Requirements for Facilities Discharging to 303(d) Listed Waters or Subject to TMDL Determination Except 303(d) Listings for Sediment and Tissue

8 1.b. *The Permittee can demonstrate to Ecology's satisfaction after eight or more consecutive ~~quarterly~~ samples that there is no reasonable potential to violate water quality standards. For the purposes of suspending monitoring required under S4G only, no reasonable potential to violate water quality is defined as no single sample exceeding eighty percent of the ~~effluent limitation~~ {insert}benchmark {end insert}, and the average of the last eight consecutive ~~quarterly~~ samples is less than sixty percent of the ~~effluent limitation~~ {insert}benchmark {end insert}.*

9 Delete the references to quarterly to be consistent with the requirements identified in section G(1)(a). This section should be revised to remove the wording "effluent limitation" and replace it with "benchmark" to be consistent with Appendices 4 and 5.

10 The requirement for having "...no single sample exceeding eighty percent of the ~~effluent limitation~~ {insert}benchmark {end insert}, and the average of the last eight consecutive ~~quarterly~~ samples is less than sixty percent of the ~~effluent limitation~~ {insert}benchmark {end insert}..." should not be the only definition of the method to demonstrate "no reasonable potential to violate water quality standards" as it is not appropriate for certain parameters that have both a minimum and maximum benchmark (e.g. dissolved oxygen). To address this discrepancy, revise this section to allow for the suspension of monitoring if the permittee can otherwise demonstrate to Ecology that there is no reasonable potential to violate water quality standards.